REMARKS

Claims 1-16 are pending and rejected in the present application.

Responsive to the rejection to claims 1-4, 6-7, 9-14 and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,556,260 (Itou, et al.) in view of U.S. Patent No. 6,036,568 (Murouchi, et al.) in further view of U.S. Patent No. 4,422,732 (Ditzik), Applicant respectfully traverses.

A *prima facie* case of obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992) (Emphasis Added).* Thus, where a proposed combination does not produce the claimed invention, a *prima facie* case of obviousness has not been established.

The Examiner asserts that it would have been obvious for one of ordinary skill in the art to have added the flexible membranes of Ditzik to the liquid crystal display of Itou, et al., and to manufacture the display utilizing the method of Murouchi, et al. Assuming, *arguendo*, that there is a teaching, suggestion or motivation to make the proposed combination, Applicant submits that the

composite device resulting from the proposed combination does not produce the claimed invention, and that therefore a *prima facie* case of obviousness has not been established.

The composite device that results from the proposed combination is a liquid crystal display that has at least one rigid substrate. More particularly, the composite device is a liquid crystal display having the rigid substrates of Itou, et al., the flexible membrane of Ditzik, and is produced according to the method of Murouchi, et al. Attaching the flexible membrane of Ditzik to the rigid substrate of Itou, et al., does not change the fact that the substrate and therefore the display are rigid. Each of Itou, et al., and Ditzik use at least one rigid substrate to form their respective displays. A flexible membrane disposed on a rigid substrate creates a rigid display, not a flexible display. The resulting composite device is a rigid liquid crystal display. The composite device is not a flexible liquid crystal display.

The Ditzik display is not a flexible liquid crystal display. Rear electrode 55A (Fig. 5) of the Ditzik display is deposited on a rigid glass substrate 54A. The other electrode 55B may be a flexible membrane, but a flexible membrane disposed upon a rigid substrate does not produce a flexible liquid crystal display. A flexible liquid crystal display has no rigid substrates.

Thus, the proposed combination does not result in a flexible, electrically addressable liquid crystal display having first and second surfaces, as recited in

part by claim 1. Since the proposed combination does not produce the invention of claim 1, a *prima facie* case of obviousness has not been established in regard thereto. Accordingly, Applicant requests withdrawal of the rejection and submits that claim 1 and claims 2-13 depending therefrom are in condition for allowance, which is hereby respectfully requested.

Further, in order to establish a *prima facie* case of obviousness the prior art references must teach or suggest all the claim limitations. *In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)(Emphasis Added).* Applicant submits that the cited references, alone or in combination, fail to teach all the limitations of claim 1, and that therefore a *prima facie* case of obviousness has not been established in regard thereto.

None of the cited references teach, disclose, or suggest, alone or in combination, a flexible liquid crystal display. The Examiner concedes that Itou, et al., and Murouchi, et al., fail to disclose or suggest a flexible liquid crystal display. Although the Examiner indicates that Ditzik discloses a thin flexible film (58A), it is not asserted that Ditzik teaches, suggests or discloses a flexible liquid crystal display. In fact, the opposite is true. Ditzik teaches a display having a thick rigid substrate (*see column 7, line 45-47*). Because the substrate is rigid, the display will also be rigid whether or not the film is flexible. The display of Ditzik is not a flexible liquid crystal display. Ditzik, therefore, does not teach, disclose or suggest a flexible liquid crystal display.

Thus, none of the cited references teach, disclose, or suggest, either alone or in combination, a flexible liquid crystal display as recited in part by claim 1. Since no combination of the cited references teaches all the limitations of claim 1, a *prima facie* case of obviousness has not been established in regard thereto. Accordingly, Applicant requests withdrawal of the rejection and submits that claim 1 and claims 2-13 depending therefrom are in condition for allowance, which is hereby respectfully requested.

For all the foregoing reasons, Applicant submits that a *prima facie* case of obviousness has not been established in regard to claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection, and submits that claim 1 and claims 2-13 depending therefrom are in condition for allowance which is hereby respectfully requested.

Claim 3 was also rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,556,260 (Itou, et al.) in view of U.S. Patent No. 6,036,568 (Murouchi, et al.) in further view of U.S. Patent No. 4,422,732 (Ditzik). Responsive thereto, Applicant respectfully traverses.

As discussed above, in order to establish a *prima facie* case of obviousness the prior art references must teach or suggest <u>all</u> the claim limitations. *In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)(Emphasis Added)*. Applicant submits that the cited references, alone or in

combination, fail to teach all the limitations of claim 3, and that therefore a *prima facie* case of obviousness has not been established in regard thereto.

Claim 3 recites in part "a flexible substrate". The Examiner concedes that Itou, et al., and Murouchi, et al., fail to disclose or suggest a flexible liquid crystal display. The Examiner indicates that Ditzik discloses a thin flexible film (58A), and asserts parenthetically that the thin flexible film constitutes a flexible substrate. By its own terms, Ditzik contradicts this assertion. Ditzik teaches a display having a thick rigid substrate (*see column 7, line 45-47*). The flexible film is not the substrate of the display. Even assuming *arguendo* that the flexible film can legitimately be considered a substrate of the display, it is not a flexible substrate. Any flexibility of the film is purposefully removed by bonding the film to a membrane and associating it with the rear electrode-substrate surface. (*see column 7, line 62-68*). Ditzik, therefore, does not teach, disclose or suggest a flexible liquid crystal display having a flexible substrate.

Thus, none of the cited references teach, disclose, or suggest, either alone or in combination, a flexible liquid crystal display having a flexible substrate as recited in part by claim 3. Since no combination of the cited references teaches all the limitations of claim 3, a *prima facie* case of obviousness has not been established in regard thereto. Accordingly, Applicant requests withdrawal of the rejection and submits that claim 3 is in condition for allowance, which is hereby respectfully requested.

Claim 14 was also rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,556,260 (Itou, et al.) in view of U.S. Patent No. 6,036,568 (Murouchi, et al.) in further view of U.S. Patent No. 4,422,732 (Ditzik). Claim 14 recites in part "providing a flexible, electrically addressable liquid crystal display." (*Emphasis Added*). Thus, claim 14 recites subject matter that is substantially similar to the subject matter recited in claim 1. For the same reasons given above in regard to claim 1, Applicant submits that a *prima facie* case of obviousness has not been established in regard to claim 14. Accordingly, Applicant respectfully requests withdrawal of the rejection and allowance of claim 14 and claim 15 depending therefrom.

Further responsive to the rejections of claims 3 and 14, Applicant points out that each of claims 3 and 14 recite in part "a transparent, first electrically conductive layer disposed on said substrate". In contrast, the display of Ditzik places an optical blocking layer 57 (Fig. 5) at a location comparable to the location of the transparent first conductive layer of the present invention. The optical blocking layer prevents the laser beam from passing through the display and causing injury (*see column 6, lines 63-67*). The composite device would include such an optical blocking layer. An optical blocking layer at the same or similar location within the composite device would similarly block the light from the liquid crystal layer and render the invention unsuited for its intended purpose. It is well settled that there can be no suggestion or motivation to make a

proposed combination where the combination would render the prior art invention being modified unsatisfactory for its intended purpose. *See In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)*. Therefore, a *prima facie* case of obviousness has not been established in regard to claims 3 and 14. Accordingly, Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claims 5 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,556,260 (Itou, et al.) in view of U.S. Patent No. 6,036,568 (Murouchi, et al.) in further view of U.S. Patent No. 4,422,732 (Ditzik) and still further in view of U.S. Patent No. 3,816,786 (Churchill). Applicant respectfully points out, however, that claim 5 depends from claim 1 which is in condition for allowance for the reasons given hereinabove. Accordingly, claim 5 is also in condition for allowance which is hereby respectfully requested. Similarly, claim 15 depends from claim 14 which is in condition for the reasons given hereinabove. Accordingly, claim 15 is also in condition for allowance which is hereby respectfully requested.

Responsive to the rejection of claim 8 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,556,260 (Itou, et al.) in view of U.S. Patent No. 6,036,568 (Murouchi, et al.) in further view of U.S. Patent No. 4,422,732 (Ditzik) and still further in view of U.S. Patent No. 6,091,196 (Codama), Applicant respectfully points out that claim 8 depends from claim 1, which is in condition for

allowance for the reasons given hereinabove. Accordingly, Applicant submits that claim 8 is also in condition for allowance and respectfully requests same.

Claim 16 was also rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,556,260 (Itou, et al.) in view of U.S. Patent No. 6,036,568 (Murouchi, et al.) in further view of U.S. Patent No. 4,422,732 (Ditzik). Claim 16 recites in part "providing a flexible, electrically addressable liquid crystal display." (*Emphasis Added*). Thus, claim 16 recites subject matter that is substantially similar to the subject matter recited in claim 1. For the same reasons given above in regard to claim 1, Applicant submits that a *prima facie* case of obviousness has not been established in regard to claim 16. Accordingly, Applicant respectfully requests withdrawal of the rejection and allowance of claim 16.

For all the foregoing reasons, Applicant submits that a *prima facie* case of obviousness has not been established in regard to the pending claims. Applicant therefore respectfully requests withdrawal of all rejections and allowance of the claims.

The Examiner is invited to telephone the undersigned in regard to this Amendment and the above identified application.

Respectfully submitted,

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